

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

*FFW*

In re application of: **Najib BABUL**
Serial No.: 10/824,357
Filed: April 15, 2004
For: **METHODS OF TREATING PAIN AND COMPOSITIONS FOR USE THEREOF**

S i r:

Transmitted herewith is a **Response to Election of Species Requirement (2 pages)** in the above-identified application.

- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136
 - ☒ Return receipt postcard
 - ☐ Other:
- ☐ Check(s) in the amount of \$ 00.00 is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 - ☐ Petition fee for extension under 37 C.F.R. 1.136
 - ☐ Fee set forth in 37 C.F.R. §1.17(p)
 - ☐ Other:
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
 - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 C.F.R. 1.136.

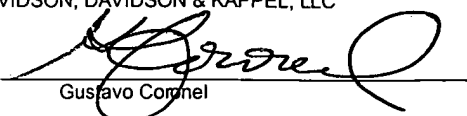

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "First Class Mail" with sufficient postage in an envelope addressed to Mail Stop: AMENDMENT, "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on September 15, 2008.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:


Gustavo Cornel



158.1008US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Najib Babul
Serial No.: 10/824,357
Filed: April 15, 2004
Examiner Jennifer Kim (Art Unit 1617)
For: **METHODS OF TREATING PAIN AND
COMPOSITIONS FOR USE THEREOF**

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September 15, 2008

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

S I R:

In the Office Action dated August 14, 2008, the Examiner required Applicant under 35 U.S.C. 121 to elect a single disclosed species of opioid for prosecution on the merits.

In response to said requirement, Applicant elects morphine.

Pending claims 1-13, 20-31, 41, and 43-55 encompass the elected species.

Appl. No. 10/824,357
Response dated September 15, 2008
Response to the Office Action of August 14, 2008

As this response is being filed within the one-month shortened statutory period, no fee is due. If any additional fees are deemed to be due at this time, the Commissioner is authorized to charge said payment to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

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